

**Meeting of the Central Valley Flood Protection Board  
February 26, 2009**

**Draft Staff Report - Supplement  
Final CEQA Findings and Staff Recommendation**

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Description

To install approximately 1,400 linear feet of pavement approximately 20 feet wide with a 40-foot-long pedestrian overlook, remove existing rail line and install new tracks; construct a new park which will include clearing and grubbing of 16,500 square feet, grading, 3,000 cubic yards of compacted fill, 110 linear feet of concrete walls and 7,000 square feet of landscaping on the left (east) bank levee of the Sacramento River in Sacramento County.

CEQA Findings

Board staff has prepared the following CEQA findings:

The Board, as a CEQA Responsible Agency, has independently reviewed the Initial Study (February 2008), Mitigated Negative Declaration and Mitigation Monitoring Plan (SCH 2008022059) for the City of Sacramento's Docks Riverfront Parkway Promenade Project prepared by the lead agency, City of Sacramento, Economic Development Department. These documents including Promenade design and City resolutions may be viewed or downloaded from the Central Valley Flood Protection Board website at <http://www.cvfpb.ca.gov/meetings/2009/02-26-2009.cfm> under a link for this agenda item, or from the City of Sacramento's website at <http://www.cityofsacramento.org/econdev/DocksAreaProject.htm>. The Initial Study is available for review in hard copy at Board and City offices.

All potential impacts, when mitigation measures were applied, were determined to be less than significant. Based on the Initial Study the City of Sacramento (City) found that the project will not have a significant adverse effect on the environment. On July 15, 2008 the Sacramento City Council approved the project and the Mitigated Negative Declaration, and adopted findings of fact and the Mitigation Monitoring Plan.

The ISIMND identified biological resources, cultural resources and hazards as items that would potentially be affected by the project. Mitigation measures were incorporated into the project design to reduce these potentially significant impacts to less than significant. Mitigation measures address impacts to:

- Biological Resources
  - perform pre- and post-construction surveys for elderberry shrubs, GPS map all shrubs, implement impact minimization and avoidance measures, transplant

plants and / or replace damaged plants to a USF&WS approved conservation area

- perform pre-construction surveys for Swainson's Hawk and other nesting raptors, GPS map all nests, implement impact minimization and avoidance measures, coordinate with CA DFG to establish construction and mitigation protocols
- perform pre-construction surveys for nesting migratory birds, if possible remove potential nesting habitat prior to nesting season, perform sediment and vegetation management during late summer through early spring if possible
- certified arborists and licensed tree-cutting firms shall be used to trim tree branches and roots, install protective fencing at drip line, minimize soil compaction and grading activities in root zones, site restoration grading to be directed by a certified arborist
- Cultural Resources
  - a detailed archaeological research design shall be prepared that identifies past land use and assesses the potential of encountering significant deposits based on the past land use, if the research design concludes that there is a high potential to encounter significant deposits then a test excavation and data recovery plan shall be prepared and implemented prior to construction
  - if cultural resources are encountered all work within 20 meters shall be suspended and an archaeologist shall be consulted to develop further mitigation measures if necessary
  - if human remains are discovered cease activities and contact coroner
- Hazards
  - ensure that the Chevron and Conoco Phillips properties have been fully characterized and remediate for contaminated soils and groundwater to levels consistent with recreational uses and a site closure letter is on file
  - contractor shall develop a Health and Safety Contingency Plan to address potentials for encountering contaminated soils during construction and their mitigation measures
  - main line railroad ties shall be tested and inspected prior to removal for contaminants and hazardous substances, implement proper disposal methods
  - flag location of existing underground PG&E natural gas pipelines and coordinate with PG&E throughout construction
- Mandatory Findings of Significance
  - The proposed project would involve construction activities in an area known to contain sensitive biological and archaeological resources, and would involve construction in an area known to contain hazardous materials contamination. Mitigation measures will be required that will reduce potential impacts to *less-than-significant* levels.

Based on its independent review of the City's Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Plan the Board finds that although the proposed project could have significant environmental impacts there will be no significant impacts in this case because the City has incorporated mandatory mitigation measures into the project plans that will reduce the level of significance to less than significant after mitigation.

#### Staff Recommendation

Staff recommends that the Board adopt the CEQA findings, approve the permit, and direct staff to file a Notice of Determination with the State Clearinghouse.